

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

SCOTT ALAN ODAM,

Petitioner,

V.

GREG ABBOTT, *et al.*,

Respondents.

CIVIL ACTION NO.
5:14-CV-00154-C

ORDER

On September 10, 2014, Scott Alan Odam, acting *pro se*, filed a “Mandamus” and a Motion for Waiver of Fees. On September 16, 2014, Odam filed a “1st Amended Notice of Feigned Action, Habeas Corpus” and paid the \$5.00 filing fee. On October 6, 2014, Odam filed a “2nd Amended Notice of Feigned Action, Habeas Corpus.” By Order dated December 10, 2014, Odam was instructed to answer a questionnaire. On December 24, 2014, Odam filed a Response to Order and Questionnaire; but rather than answering the Court’s questions, he stated, “Please direct your attention at this time to the ‘2nd Amended Notice of Feigned Action, Habeas Corpus.’”

The Court has carefully reviewed Odam's pleadings and finds the following:

1. The Motion for Waiver of Fees should be denied. Odam has provided no personal financial information in the motion and he paid the \$5.00 habeas filing fee on September 16, 2014.
2. Because Odam is proceeding *pro se*, the Court shall construe his first and second amended “habeas corpus actions” as one amended complaint. This amended complaint supersedes Odam’s original “Mandamus” and “renders it of no effect” because neither of the amended pleadings “specifically refers to and adopts or incorporates by reference the earlier pleading.” *King v. Dogan*,

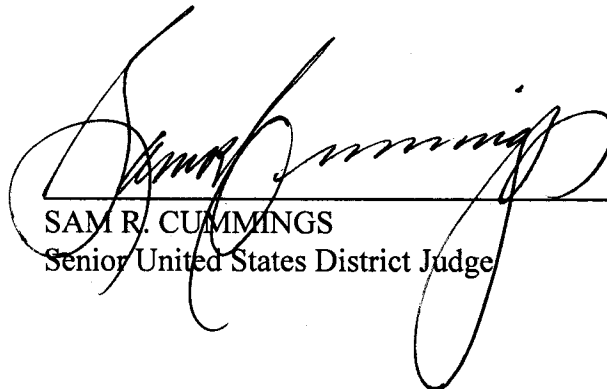
31 F.3d 344, 346 (5th Cir. 1994). Hence, the “Mandamus” and any claims or requests for relief alleged therein are no longer before this Court.

3. Although the Court has carefully reviewed the amended pleading and construed it liberally in light of Odam’s *pro se* status, the factual allegations in the pleading are nebulous at best and many of Odam’s requests for relief are simply not cognizable in a petition for writ of habeas corpus. The Court, therefore, finds that Odam should answer the attached Questionnaire and return it to the Clerk for filing within twenty (20) days from the date of this Order.

SO ORDERED.

**THE FAILURE TO COMPLY WITH ANY PART OF THIS ORDER SHALL
RESULT IN THE DISMISSAL OF THE INSTANT CIVIL ACTION WITHOUT FURTHER
NOTICE FOR WANT OF PROSECUTION.**

Dated June 26, 2015.



SAM R. CUMMINGS
Senior United States District Judge

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QUESTIONNAIRE

INSTRUCTIONS: You must answer the following questions completely. You must place your answers on the questionnaire and if you do not have enough space to give a complete answer, you may attach additional 8 $\frac{1}{2}$ " x 11" sheets to this questionnaire. Do not cite to any law or make any legal arguments in your answers. **Do not state that the question has been answered in your pleading or refer to your pleadings.**

On this date, Plaintiff, under penalties of perjury, provides the following answers and information required by the Court.

- (1) Are you currently incarcerated?
- (2) Are you complaining about your arrest(s) for an expired registration, expired motor vehicle inspection, driving while license is invalid, an expired operator's license, and speeding?

If your answer is "yes," please provide the following information:

- (a) The date(s) of your arrest(s)
- (b) The location(s) of the arrest(s)
- (c) The name(s) of the person(s) that arrested you
- (d) The reason(s) for your arrest(s)

- (3) Were you incarcerated following the arrest(s)?

If your answer is "yes," please provide the following information:

- (a) Where were you incarcerated?
- (b) How long were you incarcerated?

- (4) Were criminal charges filed against you?

If your answer is "yes," please provide the following information:

- (a) List the charges that were filed, the name of the court that the charges were filed in, and any cause numbers that were assigned to the charges

- (b) Was an attorney appointed to represent you in the criminal case(s)?

- (5) Did you plead guilty in any case(s) listed above?

- (a) If your answer is "yes," please provide the case number(s) and the date(s) on which you pleaded guilty

- (b) If your answer is "no," please provide the case number(s) and the dates of any court or trial setting(s)

- (c) If you went to trial on any of the cases listed above, please state the date(s) you went to trial, the court number(s), the name(s) of the presiding judge(s), the

name(s) of the prosecuting attorney(s), whether the trial(s) was/were before a jury or a judge, the outcome of the trial (*e.g.*, guilty or not guilty), and any sentence(s) imposed (*e.g.*, fines or incarceration)

- 5? (6) Did you file an appeal following your conviction(s) in the case(s) listed in paragraph

If your answer is "yes," please state when you filed the appeal(s), which court(s) you filed the appeal(s) in, the date(s) the appellate court(s) rendered decision(s), and the decision(s) (*e.g.*, affirmed, remanded, reversed, *etc.*)

- (7) Did you file a state application for writ of habeas corpus in any of the case(s) listed in paragraph 5?

If your answer is "yes," please state when you filed the application(s), which court(s) you filed the application(s) in, the date(s) the state habeas court(s) rendered decision(s), and the decision(s) (*e.g.*, affirmed, remanded, reversed, *etc.*)

- (8) Do you have any criminal charges still pending?

If your answer is "yes," explain what charges are still pending and provide the name and location of the court where the charges are pending

- (9) Are you seeking to have any of the convictions listed in questions 4 and 5 overturned?

If your answer is "yes," list the charge, the case number, the date of the conviction, the name and location of the court, and the sentence in each conviction

(10) Why are you suing Greg Abbott? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

(11) Why are you suing Mark Hocker? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

(12) Why are you suing Aurora Hernandez? You must provide specific information regarding how, when, and where she allegedly violated your constitutional rights.

(13) Why are you suing Tom Brummett? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

(14) Why are you suing R. Clay Kimbrough? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

(15) Why are you suing J. Shinn? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

(16) Why are you suing Knesbitt? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

(17) Why are you suing Robert Doty? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

(18) Why are you suing John Grace? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

(19) Why are you suing the Texas Department of Public Safety? You must provide specific information regarding how, when, and where the Department allegedly violated your constitutional rights.

(20) Why are you suing the State of Texas? You must provide specific information regarding how, when, and where the State allegedly violated your constitutional rights.

(21) Why are you suing the City of Lubbock? You must provide specific information regarding how, when, and where the City allegedly violated your constitutional rights.

(22) Are you suing anyone not listed above?

If your answer is "yes," you must provide the name of the person or entity and provide specific information regarding how, when, and where the person or entity allegedly violated your constitutional rights.

(23) If you are not incarcerated and have no sentence of incarceration left to serve, why do you believe that you are "in custody" for purposes of filing a petition for writ of habeas corpus? Be specific.

(24) Are you seeking monetary damages?

If your answer is "yes," provide the name of the defendant(s), the amount(s) of damages, and the reason(s) you believe that you are entitled to monetary damages

(25) What relief other than monetary damages are you seeking? You must be specific.

(26) What do you want this Court to do for you? You must be specific.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. 28 U.S.C. § 1746.

Signed this _____ day of _____, 2015.

Signature of Petitioner